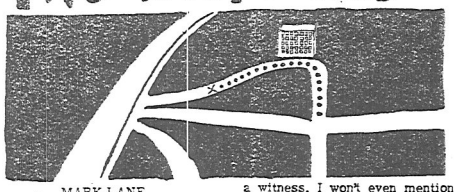
Two Subpoenas



MARK LANE

During March, 1968, Jim Garrison moved suddenly and dramatically toward evidence that had been in protective custody for more than four years. He asked the Criminal District Court in Louisiana for a Certificate to compel Allen Dulles to testify before the New Orleans Grand Jury. He also sought to subpoena the Zapruder film.

"WE DECLINE"

Dulles had been the Director of the Central Intelligence Agency until September 27, 1961. While Dulles was head of that agency a CIA front negotiated with a firm in New Orleans for the purchase of trucks and other vehicles to use in the CIA sponsored invasion of Cuba at the Bay of Pigs. The CIA front organization also used the name, "Lee Harvey Oswald" in connection with the purchase, although Oswald was, at that time, in the Soviet Union.

In his motion papers Garrison charged that one of the witnesses subpoenaed by the grand jury in the investigation into the assassination was Gordon Novel, who, "claims to have been employed by the CIA at the time that Allen Dulles was the head of the CIA." Added Garrison, "Gordon Novel fled the State of Louisiana to avoid testifying and sought to enlist the aid of the CIA in preventing his return."

Garrison also pointed out that David Ferrie, who had been named in the indictment as a conspirator in the plot to assassinate President Kennedy, was an employee of the CIA during the Dulles regime. "Among other things," said Garrosn, "he (Ferrie) was a flying instructor in Guatemala prior to the abortive Bay of Pigs invasion."

The application for the Certificate was heard before Judge Matthew S. Braniff, and on March 7 he issued the Certificate. In that document Braniff certified that each of Garrison's charges reported above was supported by fact. The issuance of that Certificate not only offered judicial support for the very serious contentions made by Garrison but constituted the first judicial finding regarding the involvement of the CIA with persons said to have played a role in planning the assassination.

On March 7, 1968, Judge Braniff's Certificate became a matter of public record. From that day forward it became available to the media. Yet the press has universally ignored the document and its explosive ramifications. The silence is ominous and its totality gives the impression of orchestration.

Several days before Garrison acted he told me that he was considering an attempt to subpoena Dulles. Over a drink at the New Orleans Athletic Club, coffee for him, a Sazerac for me, Garrison observed, "I'm sure that Dulles could have told the Commission a great deal had he been a witness rather than a member." He then said, "In the moving papers I'm going to point out that in spite of his background and familiarity with the CIA aspects of the case Dulles was never called as a witness. I won't even mention that he was a Commissioner." He added with a smile, "I wonder what his response will be." "I presume," I answered, "that you think he will be foolish enough to point out that he was a Commission member and thus make the connection between the CIA and the Commission for you." "Let's see," was Garrison's answer.

When it was reported that he would be subpoenaed, Dulles spoke with the press. He said, "Of course I wasn't a witness, I was a member of the Commission." Far more important was the response of the United States Attorney in Washington, D.C. The proper method for serving a man who resides or works in Washington is to secure a Certificate and forward it to the U.S. Attorney there. It is then his obligation to present the certificate to a court of record in Washington and seek to compel the attendance of the prospective witness in the state of origin. Accordingly, the executive assistant District Attorney of New Orleans mailed the signed Certificate, with a check to cover Dulles' travelling expenses to David G. Bress, the United States Attorney in Washington, D.C.

Bress replied:

"We decline to represent you in this matter."

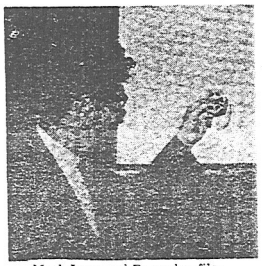
He returned the Certificate and the check. Dulles, therefore, was spared the necessity of testifying about the CIA and the assassination. "We decline"—the words of the Federal Government in response to a lawful effort to uncover the assassins of President Kennedy.

LIFE YIELDS

Garrison's efforts to secure the 8mm motion picture film of the assassination purchased by Life magazine (Time, Inc.) were more rewarding. The film had not left its vault in New York for years. Life had declined CBS' request to show it in its four one hour documentary programs aired last year. Life has rejected every television and theatrical offer for the film thus deliberately restricting, to an almost miniscule number, those persons who have examined it.

Garrison began his campaign to secure the film with a denunciation of Life's suppression of the evidence. Speaking at the national convention of the National District Attorneys Association in New Orleans, Garrison observed that Life and the Federal government had cooperated in the denial of important evidence to the American people. When Life denied the charge and expressed its outrage that it had been made, Garrison moved quickly. He prepared a Grand Jury Subpoena Duces Tecum to Time, Inc., for production of the Zapruder film. "If they don't wish to be known for suppressing the evidence any longer," Garrison said, "let them send it along." Life, trapped, capitulated at once. The film would be delivered to Garrison, could be shown to the grand jury, could be used at the trial of Clay Shaw, and could remain in Garrison's possession until the trial was concluded, said Life, so long as it is understood that Life "does not consent to the release of or showing of the film, in whole or in part, publicly or to or by any other news media, and that its use be restricted rigidly to the restrictive legal purposes of the subpoena duces tecum." Life evidently felt that any permission which contained a five word phrase of which three words were, "restricted," "rigidly" and "restrictive" couldn't be all bad.

Life acknowledged that several "damaged frames" in the Zapruder film were "missing from the original." It was from the incomplete film that the Warren Commission published frames in its volumes. An excellent first generation color reprint was delivered to Garrison and screened by the grand jury and Garrison's staff on March 28, 1968. The film was shown numerous times and



Mark Lane and Zapruder film.

at various speeds. The effect that the fatal bullet had upon the President could not be more obvious.

With a shocking suddeness that caused the intent audience to gasp anew each time that it was run, the President is seen to be driven back into the seat and to his left.

Assistant DA Andrew Sciambra observed that, "He could not have reacted so violently to a hard right to the head. Otherwise it is reminiscent of watching a boxer driven back and out by a tremendous blow. The shot came from the right front. No one who sees the film can doubt it. I guess that's why no one can see it."

Louis Ivon, Garrison's Chief Investigator, said, "I can't see how the Commission could have come to the conclusion that there was a lone assassin in the Book Depository building when it is so obvious that the man was hit from the front. I ask myself did they fail to look at the film or completely disregard it as evidence."

O'Brien Elliott, an independent film expert whom I had invited to the screening said, "It is conclusive evidence that the shot came from the area of the grassy knoll. There is no question but that it could not have originated at the Texas School Book Depository."

He added, "I think that the film should not be withheld from President Johnson, by President Johnson, until 2039. I think he should see it tomorrow."

Gary Sanders, an engineer who has made an analysis of aspects of the Zapruder film said, "That shot could not have come from any place other than the right front. He had a very violent reaction to the impact of the bullet and the point of origin is certainly well established by that."

Tom Bethell, the archivist for the New Orleans DA's office had seen the copy of the film at the National Archives a year ago. He had observed the substantially less clear document "twenty or thirty times" he said. After seeing the superior copy in New Orleans he added, "I think that it is almost impossible to conclude that he was hit from the Book Depository."

I was recently interviewed about the Zapruder film by the CBS-TV affiliate in New Orleans. A reporter asked if the press might be able to see the film while it was in New Orleans. Garrison had previously told me that he was most anxious for the press to attend a screening but that Life had stipulated that there be no such screening. Garrison said that he was going to ask Life if there might be a sub rosa screening upon the condition that each reporter agree not to write about what he had seen. Such an agreement, it might be observed, would constitute hardly a departure from the norm. In the interim, I have suggested to various New Orleans reporters that they, together, petition Life for permission to see the film. I find it difficult to believe that a reporter who observes the Zapruder film can ever again state that he believes the Warren Report (which in all likelihood, he has not read) or that he continues to have faith in Earl Warren and his splendid colleagues (as if a reading of the Commission's work is equivalent to a theological experience.)

What have we learned from the story of the two subpoenas? We have learned, I suggest, that while Life (Time, Inc.) is an intransigent part of the establishment and in the fact-suppressing and truth-distorting business it is, on occasion, willing to yield a step or two to maintain its image of truth seeking. And we have learned that the monster that inhabits the Time and Life building is kind, benign, friendly, and thoroughly democratic when contrasted with your own monster who rules from Washington.

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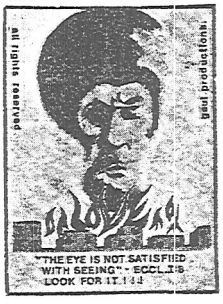

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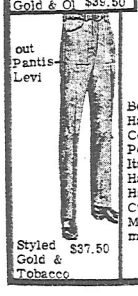
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